

EXHIBIT 1

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

**IN RE: ETHICON, INC. PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY
LITIGATION**

**Master File No. 2:12-MD-02327
MDL No. 2327**

**THIS DOCUMENT RELATES TO ALL
CASES**

**JOSEPH R. GOODWIN
U.S. DISTRICT JUDGE**

DECLARATION OF MATTHEW HENDERSON

Matthew Henderson deposes and says:

1. My name is Matthew Henderson. I am over twenty-one years of age and of sound mind. I am competent to testify about all of the matters set out in this Declaration.

2. I was employed by Ethicon, Inc. from approximately 1998 until February 2013, holding various positions, including Sales Representative, Divisional Sales Manager, Product Director, Strategic Contracting Director, Regional Business Director and Group Marketing Director and acting leader of U.S. Sales & Marketing. I have personal knowledge of the practices related to the activities of sales representatives within Ethicon's Women's Health & Urology business. I am currently employed as a Regional Business Director with Janssen Pharmaceutical Companies. Prior to being employed by Ethicon, I was employed as a sales representative for a medical device company named Johnson & Johnson Medical, Inc.

3. I make this affidavit (i) to provide information regarding the types of business documents certain Ethicon sales representatives would be expected to have in their files and (ii) to distinguish the type of business documents a pharmaceutical sales representative would be

expected to have, including so-called "call notes".

4. During my twenty-year career in the health care industry, including fifteen years with Ethicon, I have become familiar with how medical device sales representatives operate and the types of documents that they create. I have also become familiar, by contrast, with how pharmaceutical device sales representatives operate and the types of documents that they create.

5. As a preliminary matter, the pharmaceutical industry and the medical device industry are different both in how they are regulated and in how they function. Because the industries are very different, the types of documents created by sales representatives in those industries differ. The primary function of a pharmaceutical sales representative is to create brand awareness among prescribing physicians in a market. Accordingly, pharmaceutical sales are focused on brand impressions and it is thus critical in the pharmaceutical industry to track the frequency of interactions between sales representatives and specific physicians, as well as the brand information communicated. The way in which these interactions are tracked is through contemporaneous notes. These notes are commonly known in the pharmaceutical industry as "call notes" and are commonly implemented in the pharmaceutical industry.

6. The medical device market is smaller and more defined than the pharmaceutical industry. Medical devices are not sold to doctors, but to the facilities at which surgeries take place. Thus, the primary function of a medical device sales representative, unlike that of a pharmaceutical representative, is generally to provide support for products used by the company's accounts, which typically are hospitals. Tracking the identity and number of people with which the medical device sales representative interacts at a particular facility on a daily basis is not required for business purposes. Rather, tracking generally is directed at customer loyalty by monitoring the sales to the accounts, which are the facilities or hospitals.

7. With respect to Ethicon in particular, its medical device sales representatives have not been directed to keep call notes with respect to the Stress Urinary Incontinence and Pelvic Organ Prolapse pelvic mesh products, and there has not been a central repository or database for the sales representatives to enter call notes. Although it is possible that some sales representatives may have independently kept some form of notes, it has not been a standard practice, requirement, or policy of Ethicon for sales representatives to maintain a record of meetings between sales representatives and physicians.

8. In addition, with respect to marketing materials, in my experience, Ethicon sales representatives do not independently create marketing or promotional materials to provide to physicians. Instead, the materials that they provide to physicians generally go through the copy review process and are standardized across a particular product. The uniform set of materials available for sales representatives to utilize with physicians are made available to all Ethicon sales representatives.

9. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this the 9 day of September, 2013.

 9/9/13
MATTHEW HENDERSON